

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
SW/corner of Lakeside and	*	DEPUTY ZONING COMMISSIONER
Samuel Owings Drive		
2nd Election District	*	OF BALTIMORE COUNTY
3rd Councilmanic District		
(S/S of Lakeside Blvd., approx. 55' SW	*	CASE NO. 02-367-XA
of intersection of Lakeside Blvd. and		
Samuel Owings Drive)	*	
Village of Painters Mill, LLC,	*	
<i>Petitioner</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, the Village of Painters Mill, LLC. The special exception is to permit a tanning facility in a BL zone. The variance request is to permit 368 parking spaces in lieu of the required 443 parking spaces.

Appearing at the hearing on behalf of the special exception request were Jim Martin, Chris Nowalk and David Karceski, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 7.3 acres of land, more or less, of which 6.35 acres are zoned BL and the remaining 0.95 acres, zoned DR.16. The subject property is situated at the southwest corner of the intersection of Samuel Owings Drive and Lakeside Boulevard in Owings Mills. It is currently improved with a one-story Food Lion Grocery Store and a strip shopping center. The purpose of filing the special exception in this case is to gain approval to allow a tanning facility to occupy 1,200 sq. ft. of leaseable space within the strip stopping center. Tanning

ORDER RECEIVED FOR FILING

DATE 5/15/02

BY R. Johnson

centers are not permitted as of right in a BL zone. However, they are permitted by special exception.

The variance request involves the entire shopping complex containing both the Food Lion Grocery Store and the tenants of the strip shopping center. The Petitioner is providing 368 parking spaces on the property at this time. In accordance with the different types of businesses located on this property, the Petitioner is required to provide 443 parking spaces. At this time, all of the leaseable space is rented on the property except for a 3,600 sq. ft. vacancy located within the shopping center itself. The variance request involves not only the proposed tanning salon but also all of the other retail businesses located on this property.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the Petitioners' use in an BL zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions, as delineated in Section 502.1, are satisfied.

The Petitioner had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioner's Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of

the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

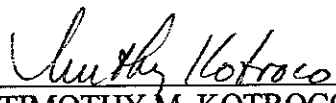
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception and variance shall be granted.

THEREFORE, IT IS ORDERED this 15th day of May, 2002, by this Deputy Zoning Commissioner, that the Petitioner's Request for Special Exception to permit a tanning facility in a BL zone, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Request for Variance to permit 368 parking spaces in lieu of the required 443 parking spaces, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

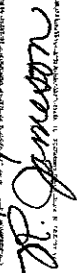


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDERED BY DEPUTY ZONING COMMISSIONER

Date 5/15/02

By 



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 15, 2002

David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Variance
Case No. 02-367-A
Property: S/S of Lakeside Blvd., approx. 55' SW of
intersection of Lakeside Blvd. and Samuel Owings Drive

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco". The signature is written in a cursive style.

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

S/S of Lakeside Boulevard, approx. 55' southwest of the intersection of Lakeside
for the property located at Boulevard and Samuel Owings Drive
which is presently zoned B.L. and D.R.16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)
Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations to allow
368 parking spaces in lieu of the required 443 parking spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Village of Painters Mill, LLC

Name - Type or Print

SEE ATTACHED

Signature

Name - Type or Print

Signature

17 West Pennsylvania Avenue (410) 296-4800

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By

Date 04-26-02

REVISION

FILED FOR FILING

Date 5/15/02

By R. Hoffman

Case No. 02-367-XA
9/15/98

SIGNATURE PAGE

Village of Painters Mill, LLC

By: Continental Realty Investors Corp., Manager

By: William H. Kinnear, Jr.
William H. Kinnear, Jr.
Vice-President

TO1DOCS1/DHK01/#132492 v1

02-367-4A



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

S/S of Lakeside Boulevard, approx. 55' southwest of
the intersection of Lakeside Boulevard and
for the property located at Samuel Owings Drive

which is presently zoned B.L.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special Exception pursuant to Section 230.13 of the Baltimore County Zoning Regulations for a tanning facility in the B.L. zone.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Village of Painters Mill, LLC

Name - Type or Print

SEE ATTACHED

Signature

Name - Type or Print

Signature

17 West Pennsylvania Avenue (410) 296-4800

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 3/5/02

Case No. 02-367-XA

RE 09/15/98

CHIEF CLERK

SIGNATURE PAGE

Village of Painters Mill, LLC

By: Continental Realty Investors Corp., Manager

By: William H. Kinnear, Jr.
William H. Kinnear, Jr.
Vice-President

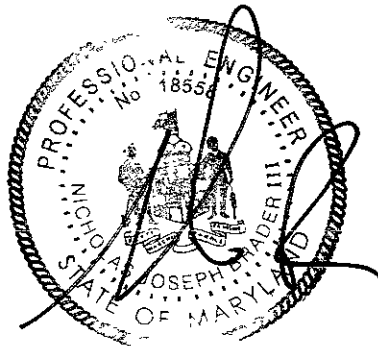
TO1DOCS1/DHK01/#132492 v1

Beginning at a point to the South of Lakeside Boulevard, which is 80' wide, at the distance of 482.47' South-West of the centerline of the nearest improved intersecting street, Samuel Owings Drive, which is of variable width. Thence the following courses and distances:

- 1.) North $43^{\circ}55'36''$ West 91.50'
- 2.) South $46^{\circ}04'26''$ West 33.00'
- 3.) South $43^{\circ}55'34''$ East 98.00'
- 4.) South $46^{\circ}04'25''$ West 80.00'
- 5.) South $43^{\circ}55'35''$ East 15.00'
- 6.) North $46^{\circ}04'25''$ East 95.00'
- 7.) North $43^{\circ}55'39''$ West 21.50'
- 8.) North $46^{\circ}04'25''$ East 18.00', to the place of beginning.

Containing 4542 S.F. or 0.10 acres of land, more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND NOT
INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS



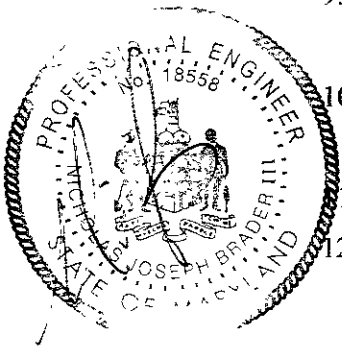
02-367-XA

Beginning at a point on the South side of Lakeside Boulevard, which is 80' wide, at the distance of 55.26' South-West of the centerline of the nearest improved intersecting street, Samuel Owings Drive, which is of variable width, as recorded as point HP369 in record plat S.M. 71 folio 14. Thence the following courses and distances:

- 1.) South $30^{\circ}59'24''$ East 15.30', thence meeting and binding along the West side of said Samuel Owings Drive the following courses and distances
- 2.) radius of 805' and a length of 186.92', subtended by a chord with a course and distance of South $16^{\circ}07'58''$ West 186.50'
- 3.) radius of 807' and a length of 144.29', subtended by a chord with a course and distance of South $25^{\circ}55'13''$ West 144.10'
- 4.) radius of 810' and a length of 226.02', subtended by a chord with a course and distance of South $41^{\circ}00'38''$ West 225.29'
- 5.) South $49^{\circ}00'15''$ West 46.46', thence leaving said West side of Samuel Owings Drive and running and binding along record plat S.M. 71 folio 14 the following courses and distances:
- 6.) North $43^{\circ}55'35''$ West 670.70'
- 7.) North $52^{\circ}41'51''$ East 174.13', thence leaving said record plat S.M. 71 folio 14 the following course and distance:
- 8.) North $04^{\circ}54'30''$ East 176.58', thence running and binding along said South side of Lakeside Boulevard the following courses and distances:
- 9.) radius of 630' and a length of 171.26' subtended by a chord with a course and distance of South $77^{\circ}18'10''$ East 170.73'
- 10.) radius of 630' and a length of 68.51', subtended by a chord with a course and distance of South $66^{\circ}24'01''$ East 68.48'
- 11.) South $63^{\circ}17'06''$ East 275.59'
- 12.) radius of 1040' and a length of 136.94', subtended by a chord with a course and distance of South $67^{\circ}03'25''$ East 136.84', to the place of beginning.

Containing 317,988 S.F. or 7.30 acres of land, more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND NOT INTENDED
TO BE USED FOR CONVEYANCES OR AGREEMENTS



02-367-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11118

DATE 3/5/02 ACCOUNT R-001-006-6150

AMOUNT \$ 550.00

RECEIVED FROM: Central Realty Corp. Agent

FOR: 1/2 of Lakeside Blvd, 15' SW of Lakeside Blvd
& Somers Pointe (02-367-1A)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTION	TIME
3/06/2002	3/05/2002	15:28:32
REF MS06	CASHIER-KNCH KCM	DRAWER 4
>> RECEIPT # 070635		
DEPT 5	528 ZONING VERIFICATION	OFLN
CR NO.	011118	

Receipt Tot 550.00
550.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-367-X
Lakeside Boulevard
SW/corner of Lakeside and
Samuel Owens Drive
2nd Election District
3rd Councilmanic District
Legal Owner(s): William H.
Kinnear, Jr.

Special Exception: for use
of a community building
tanning facility in the busi-
ness local zone. Variance:
to allow 368 parking spaces
in lieu of the required 449
parking spaces.

Hearing: Monday, May 13,
2002 at 9:00 a.m. in Room
407, County Courts Build-
ing, 481 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

4/30 April 25 C534187

CERTIFICATE OF PUBLICATION

4/25/2002

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/25/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-367-X
Lakeside Boulevard
SW/corner of Lakeside and
Samuel Owens Drive
2nd Election District
3rd Councilmanic District
Legal Owner(s): William H.
Kinnear, Jr.
Special Exception: for use
of a community building
tanning facility in the busi-
ness local zone. **Variance:**
to allow 368 parking spaces
in lieu of the required 443
parking spaces.

**Hearing: Monday, May 13,
2002 at 9:00 a.m. in Room
407, County Courts Build-
ing, 401 Bosley Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/4826 Apr. 30 C536123

CERTIFICATE OF PUBLICATION

5/3/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/30/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 02-367-XA

Petitioner VILLAGE OF PANTERS MILL, LLC

Address or Location S/S OF LAKESIDE BOULEVARD, APPROX. 55'
SOUTHWEST OF THE INTERSECTION OF LAKESIDE
BOULEVARD AND SAMUEL OWENS DRIVE

PLEASE FORWARD ADVERTISING BILL TO

Name AMY DONTILL

Address 210 ALLEGHENY AVENUE
TOWSON MARYLAND 21204

Telephone Number (410) 494- [REDACTED] 6244

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 25, 2002 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6244

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-367-X

Lakeside Boulevard

SW/corner of Lakeside and Samuel Owens Drive

2nd Election District – 3rd Councilmanic District

Legal Owner: William H Kinnear, Jr.

Special Exception for use of a community building tanning facility in the business local zone. Variance to allow 368 parking spaces in lieu of the required ~~444~~ parking spaces.

HEARING: Monday, May 13, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

GDZ

George D Zahner


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 27, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-367-X
Lakeside Boulevard
SW/corner of Lakeside and Samuel Owens Drive
2nd Election District – 3rd Councilmanic District
Legal Owner: William H Kinnear, Jr.

Special Exception for use of a community building tanning facility in the business local zone. Variance to allow 368 parking spaces in lieu of the required 444 parking spaces.

HEARING: Monday, May 13, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Ave, Towson 21204
Village of Painters Mill, LLC, William H Kinnear, Jr., 17 W Pennsylvania Ave,
Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 27, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 10, 2002

Robert A Hoffman Esquire
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 02-362-XA, Lakeside Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 2002..

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Village of Painters Mill LLC, William H Kinnear Jr, VP, 17 W Pennsylvania Avenue,
Towson 21204
People's Counsel

Come visit the County's Website at www.co.ba.md.us




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: April 17, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for *March 25, 2002*
Item Nos. 360, 361, 362, 363, 364, 365,
366, ~~367~~, 368, 369, 370, 371, 372, 373,
375, 376 and 377

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

March 18, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 18, 2002

Item No.: 367 & 369

Dear Ms. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 30, 2002

ATTENTION: George Zahner

RE: Property Owner: William Hinnear Jr.

Location: DISTRIBUTION MEETING OF March 18, 2002 Revision

Item No.: 367

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 367

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File
{PRIVATE}

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *TBS/TGT*
DATE: April 16, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373, 375, 377

Waiting on AG Comments for #364, 368

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *QBS KBT*

DATE: April 25, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373, 375, 377

No AG Comments for #364, 368

Sign
5/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 8, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAY 9

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-367, and 02-470

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Lynne Sanham

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3-19-02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 367

JHP

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1- Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.1.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 367

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Kenneth A. McDonald Jr., Chief
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My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
Lakeside Boulevard, SW cor Lakeside and Samuel
Owings Dr
2nd Election District, 3rd Councilmanic

Legal Owner: Village of Painters Mill LLC
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-367-XA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

CURRENT HOME

5-13-07.

9 AM PM 407.

REVISED PLAN.

1. New ADD. IN PAPER
2. New "Post-me."?
3. New Penion Forms
4. "REVISED SITE PLAN."

GEORGE:

CAN THEY GET A REVISED ADD IN
PAPER IN THE.

02.367.XA

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- -A Address _____

Contact Person: _____ Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: _____ Posting Date: _____ Closing Date: _____

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- -A Address _____

Petitioner's Name _____ Telephone _____

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit

WCR - Revised 6/28/00

Case Number

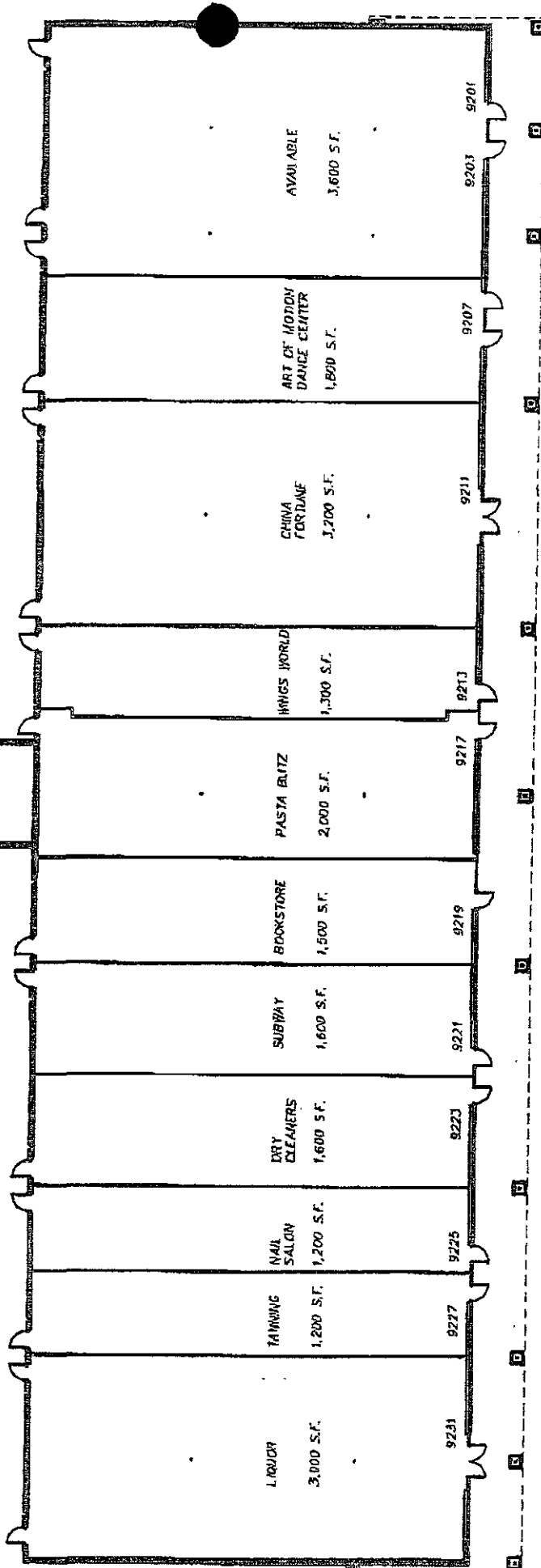
02-367-XA

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

9



Box #2

NOT TO SCALE OPTION ONE

ARIUM
5537 IRVIN KNOLLS RD.
SUITE 435
COLUMBIA, MD. 21045
ARCHITECTS
BALT. (410) 730-2300
WASH. (301) 621-4600
FAX (410) 730-2796

PROJECT:
LEASING KEY PLAN
VILLAGE OF PAINTERS MILL

DWG.: GK1
DATE: 11 APRIL 02
FILE: PMCSB

ZONING COMMISSIONER'S POLICY MANUAL (New)

SECTION

230.13 SPECIAL EXCEPTION USES

OTHER RECREATION FACILITIES including one or several of the following uses:

COUNTRY CLUB
GYMS
HANDBALL COURTS
HEALTH CLUB/SPA
RACQUETBALL COURTS
RELAXATION TANKS
TANNING FACILITY
TENNIS COURTS
WEIGHTLIFTING OR RESISTANCE EQUIPMENT
WHIRLPOOL SPA

See the following case: 83-151 XSPH

FUNERAL ESTABLISHMENT A crematorium is not allowed by right or by special exception in any zone, but is permitted by hearing as an accessory use to the principal use of a funeral establishment.

See the following cases: 71-243-X
85-003-SPH
90-156

Ref Bx #3

ZONING COMMISSIONER'S POLICY MANUAL

-INCINERATORS will be considered as an accessory structure, provided that it is incidental to the principal use, and meets Section 400 of the B.C.Z.R. requirements in residential zones and principal building requirements in commercial and industrial zones. (this does not apply to dumpsters)

-PIT BEEF STANDS - See Roadside Stands below. It must meet commercial site plan requirements.

-ROADSIDE STANDS

- (1) On public land, zoning has no authority or jurisdiction over any sales carried on within the public right-of-way which usually is both the street and the adjacent sidewalk.
- (2) Vendors or Hucksters are not regulated by zoning if they remain permanent or moving in the public right-of-way.
- (3) On private property, zoning does not permit roadside stands or sales temporary or permanent on residential property unless:
 - a. It is a garage or yard sale (see Garage and Yard Sales above)
 - b. It is a farmer's roadside stand (See Section 404.2 B.C.Z.R. & Z.C.P.M., Page 4-6)

-SATELLITE DISHES

- (1) Satellite television dish systems are permitted on residential property as an accessory use, only, and must comply with all of the provisions of Section 400, except that attaching the dish to the dwelling would not supplant the need for a variance hearing, if the requirements cannot be met.
- (2) See the following cases: C-84-735
85-347-A
- (3) Dishes are permitted on commercial and manufacturing buildings (no height limitation) i.e., a dish on a building in a D.L. zone may extend above 40' building limit.

-SNOWBALL STANDS - See Roadside Stands above. It must meet commercial site plan requirements.

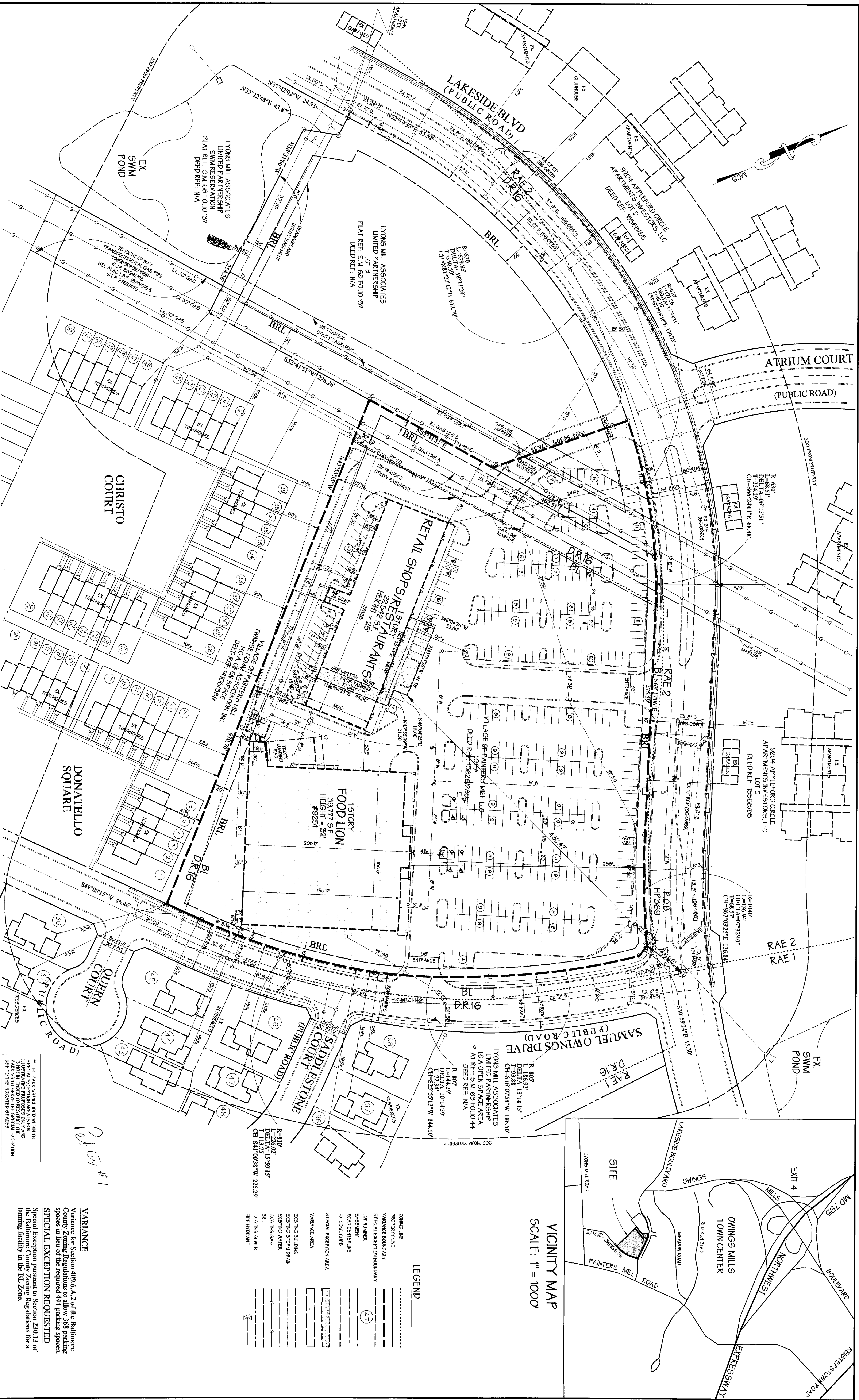
-SWIMMING POOLS AND TENNIS COURTS

- (1) Swimming pools and tennis courts are considered accessory structures/uses.
- (2) Community pools or tennis courts not located in the rear areas behind the subdivision dwellings are to be considered other principal buildings and subject to the standards in the C.H.D.P. If located in a residential transition area, these standards will also have to be met.
See also TENNIS FACILITIES Section 406A, Page 4-24
- (3) See the following cases: 82-270-A
88-206-SPH

→ -TANNING AND HOT TUB FACILITIES - are not specifically listed in the Zoning Regulations, but may be permitted as an accessory use to but not limited to the following uses:

Beauty Salons
Barber Shops
Racquet Ball

Health Spas
Tennis Barns
Country Clubs



VICINITY MAP
SCALE: 1" = 1000'

LEGEND

- ZONING LINE
- PROPERTY LINE
- VARIANCE BOUNDARY
- SPECIAL EXCEPTION BOUNDARY
- LOT NUMBER
- EXISTING ROAD
- PROPOSED ROAD
- VARIANCE AREA
- EXISTING BUILDING
- EXISTING STREET DRAIN
- EXISTING WATER
- EXISTING GAS
- BRL
- EXISTING SEWER
- FIRE HYDRANT

VARIANCE

Variance for Section 409.6.A.2 of the Baltimore County Zoning Regulations to allow 368 parking spaces in lieu of the required 444 parking spaces. SPECIAL EXCEPTION REQUESTED

Special Exception pursuant to Section 230.13 of the Baltimore County Zoning Regulations for a turning facility in the BL Zone.

PLAN TO ACCOMPANY

VARIANCE AND SPECIAL EXCEPTION HEARINGS
VILLAGE OF PAINTERS MILL

Election District 2
Tax Map 07 - Parcels 497, 499
Scale: 1" = 50'

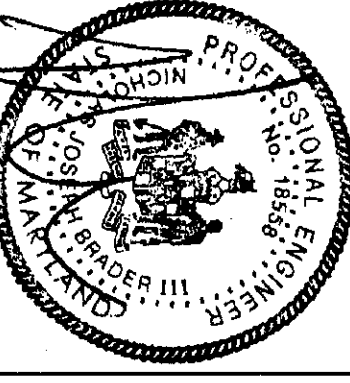
Baltimore County, Maryland
Sheet 1 of 2
April 24, 2002

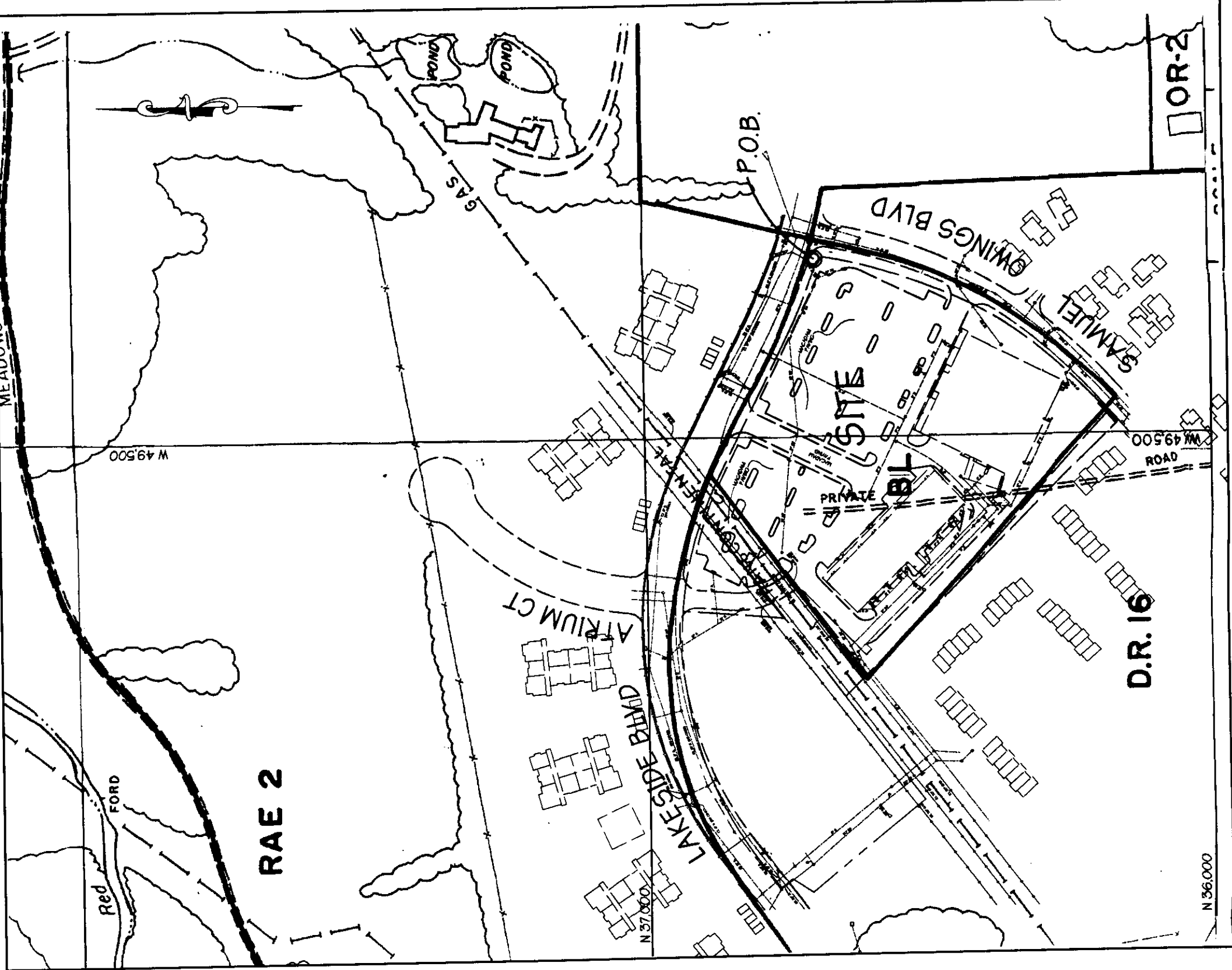


CONTINENTAL REALTY CORPORATION
17 W. PENNSYLVANIA AVE.
TOWSON, MD 21204-5096
410-296-4800

Matiss Warfield

consulting engineers
10640 YORK ROAD SUITE 410
HUNT VALLEY, MD 21031
Phone: 410-988-1788
Fax: 410-988-1789
WWW.MATISSWARFIELD.COM

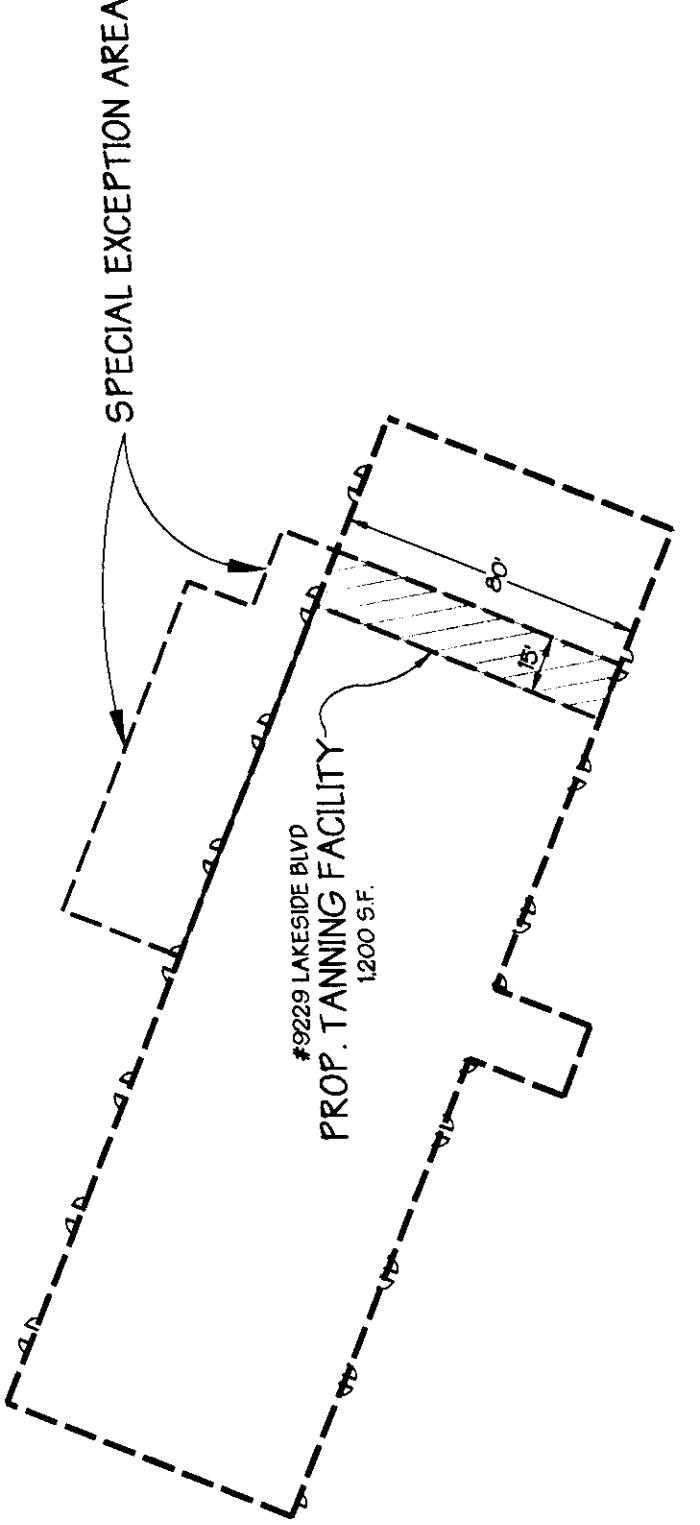




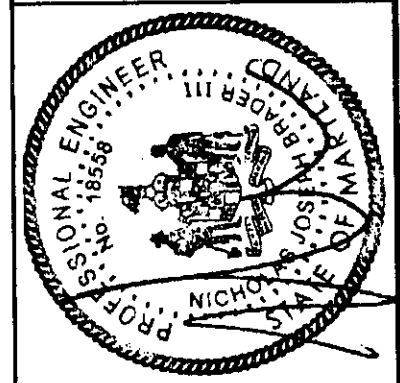
BALTIMORE COUNTY
200 SCALE ZONING MAP
NW 10-1

SPECIAL EXCEPTION AREA

SPECIAL EXCEPTION AREA = 454199 S.F. = 0.10 AC
TANNING FACILITY FLOOR AREA = 1200 S.F.
PARKING REQD @ 5 SF /1000 S.F. = 6 SF.
PARKING PROVIDED = 6 SF.
HANDICAPPED SPACES REQD = 1 SF.
HANDICAPPED SPACES PROVIDED = 1 SF.



Matiss Warfield
consulting engineers
10540 York road, suite 100
hunt valley, md 21083-7004
tel: 410-888-1798
fax: 410-888-1799
www.matisswarfield.com



SITE ADDRESS
#9201 - #9251 LAKESIDE BOULEVARD
OWINGS MILLS, MD 21117

**PLAN TO ACCOMPANY
VARIANCE AND SPECIAL EXCEPTION HEARINGS**
VILLAGE OF PAINTERS MILL
Election District 2
Comclaminic District 3
Tax Map 67 - Parcels 497, 499
Scale: 1" = 50'
Baltimore County, Maryland
Sheet 2 of 2
April 24, 2002

LOCATION AND USE OF BUILDINGS WITHIN 200' OF PROPERTY

STREET ADDRESS	LOT No.	OWNER	USE	DISTANCE FROM PROPERTY	DEED REFERENCE
2 Quern Court	36	Nicholas Negro & Ly H Don	Residential	140'±	12041009
4 Quern Court	37	Colleen R Fletcher	Residential	105'±	12070259
5 Quern Court	43	Shel Y Wu	Residential	105'±	12070259
3 Quern Court	44	Michael H & Denise Brown	Residential	105'±	12070259
1 Quern Court	45	Mark A & Leslie A Shuman	Residential	105'±	96031757
2 Suddystone Court	46	Victor Albert & Ada L Sanders	Residential	105'±	12011577
4 Suddystone Court	47	Ferry T, Thomas & Judith Tring	Residential	105'±	120340711
6 Suddystone Court	48	Richard J & Suzanne M Sports	Residential	105'±	120340711
8 Suddystone Court	49	Richard J & Suzanne M Sports	Residential	105'±	120340711
1 Suddystone Court	50	Richard J & Suzanne M Sports	Residential	105'±	120340711
4534 Lakeside Square	1	Emily D Eldridge	Residential	105'±	120340711
4534 Lakeside Square	2	Paul Derek Hurley	Residential	105'±	120340711
4534 Lakeside Square	3	Doreen O'Hare-McDonald & Mark S McDonald	Residential	105'±	120340711
4534 Lakeside Square	4	Kelly N Kaderbek	Residential	105'±	120340711
4534 Lakeside Square	5	Lance J Smith, Jr & Sharon S Smith	Residential	105'±	120340711
4534 Lakeside Square	6	Shane M Hess & Meghan E Graves	Residential	105'±	120340711
4534 Lakeside Square	7	Daniel F Dorn & Stephanie A Dorn	Residential	105'±	120340711
4534 Lakeside Square	8	James K & Patricia L Bales	Residential	105'±	120340711
4534 Lakeside Square	9	Angela M Griffin	Residential	105'±	120340711
4534 Lakeside Square	10	Joyce Spafford	Residential	105'±	120340711
4534 Lakeside Square	11	Alan Paul & Linda G Lukowitz	Residential	105'±	120340711
4534 Lakeside Square	12	Shelley A Naim & John L Ginter	Residential	105'±	120340711
4534 Lakeside Square	13	Shoshana Goldberg & Jonathan Smay	Residential	105'±	120340711
4534 Lakeside Square	14	Bethany Y Adella	Residential	105'±	120340711
4534 Lakeside Square	15	Johnny Davis, Jr	Residential	105'±	120340711
4534 Lakeside Square	16	Tim P Naim	Residential	105'±	120340711
4534 Lakeside Square	17	Joanne Smith	Residential	105'±	120340711
4534 Lakeside Square	18	Jeffrey G Kopp	Residential	105'±	120340711
4534 Lakeside Square	19	Keith L Wilson	Residential	105'±	120340711
4534 Lakeside Square	20	Patrick Michael Hooper & Diana Rae Lockwood	Residential	105'±	120340711
4534 Lakeside Square	21	Secretary of Housing and Urban Development	Residential	105'±	120340711
4534 Lakeside Square	22	Jill D Bayler	Residential	105'±	120340711
4534 Lakeside Square	23	Loretta C Bryant	Residential	105'±	120340711
4534 Lakeside Square	24	Michael C Schwert	Residential	105'±	120340711
4534 Lakeside Square	25	Roy H Jackson, Jr	Residential	105'±	120340711
4534 Lakeside Square	26	Heather Pyke & Stacy Lark	Residential	105'±	120340711
4534 Lakeside Square	27	Jeffrey J & Tracy A Schmitt	Residential	105'±	120340711
4534 Lakeside Square	28	John S & Renee A Pace	Residential	105'±	120340711
4534 Lakeside Square	29	David J & Nora S Malden	Residential	105'±	120340711
4534 Lakeside Square	30	Timothy K Vitek	Residential	105'±	120340711
4534 Lakeside Square	31	Tracy E Benscotte	Residential	105'±	120340711
4534 Lakeside Square	32	Donald D & Ann Marie Borm	Residential	105'±	120340711
4534 Lakeside Square	33	Janele S Dursenhorfer	Residential	105'±	120340711
4534 Lakeside Square	34	Karen M Kiley	Residential	105'±	120340711
4534 Lakeside Square	35	Kelly A Medsker & Lynn L Lees	Residential	105'±	120340711
4534 Lakeside Square	36	Adam Ebers & Carol Rodriguez	Residential	105'±	120340711
4534 Lakeside Square	37	Lance A & Jennifer L Kessler	Residential	105'±	120340711

SITE DATA

SITE IS NOT LOCATED WITHIN 100-YEAR FLOODPLAIN
SITE IS NOT WITHIN CHEASPEAKE BAY CRITICAL AREA
SITE IS NOT WITHIN A MORATUM AREA OR IN AN AREA
WHERE A FAILURE OF THE BASIC SERVICES MAP EXISTS
SITE IS NOT WITHIN A HISTORIC DISTRICT
BALTIMORE COUNTY ZONING MAP NW 10-1
BUILDING PERMIT NUMBERS B448268 AND B448269
IMPROVEMENT ONGOING AS OF 2/22/2002
CRG APPROVAL MARCH 1999
DRG #02668D
USE PERMIT GRANTED ON APRIL 25, 2001
FOR COMMERCIAL PARKING IN A RESIDENTIAL ZONE
ALL FUTURE SIGNAGE WILL CONFORM WITH SECTION 450
OF THE BALTIMORE COUNTY ZONING REGULATIONS
ALL LIGHTING TO COMPLY WITH SECTION 409 B A 3
OF THE BALTIMORE COUNTY ZONING REGULATIONS
ALL LANDSCAPING TO COMPLY WITH SECTION 22-105
OF THE BALTIMORE COUNTY CODE

SITE AREA:
AREA LOT A, SOUTH SIDE LAKESIDE BLVD = 302265 S.F. = 6.939 AC
AREA LOT B, SOUTH SIDE LAKESIDE BLVD = 135347 S.F. = 3.176 AC
AREA OF SPECIAL EXCEPTION = 454199 S.F. = 0.10 AC
AREA OF VARIANCE = 317,646 S.F. = 7.30 AC
FLOOR AREA EX. FOOD LION = 39,777 S.F. = 0.91 AC
FLOOR AREA EX. RETAIL SHOP/SRESTAURANTS
= 22,542 S.F. = 0.52 AC
TOTAL FLOOR AREA = 62,319 S.F. = 1.43 AC
FLOOR AREA RATIO = 0.20
MAX HEIGHT = 32'

EXISTING ZONING = BL, D.R. 16
VARIANCE:
AREA BL = 6.35 AC
AREA D.R. 16 = 0.95 AC
SPECIAL EXCEPTION:
AREA BL = 0.10 AC

PARKING DATA
FLOOR AREA RETAIL = 47,619 S.F.
PARKING REQD = 5 SF /1000 S.F. = 239 SF
FLOOR AREA RESTAURANT = 11,700 S.F.
PARKING REQD = 16 SF /1000 S.F. = 188 SF
FLOOR AREA DANCE CENTER = 1,800 S.F.
PARKING REQD = 3 SF FOR EMPLOYEES
7 SF FOR PATRONS
TOTAL PARKING REQD = 10 SF.
FLOOR AREA TANNING FACILITY = 1,200 S.F.
PARKING REQD = 5 SF /1000 S.F. = 6 SF
TOTAL PARKING REQD = 443 SF
TOTAL PARKING PROVIDED = 369 SF
HANDICAPPED SPACES REQD = 9 SF
HANDICAPPED SPACES PROVIDED = 12 SF